

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TRACY SOUZA,

Plaintiff,

v.

MARYSVILLE SCHOOL DISTRICT NO. 25,
a municipal corporation, and CHRIS
PEARSON, an individual,

Defendant.

No.

COMPLAINT

JURY TRIAL REQUESTED

I. NATURE OF THE CASE

1.1 Plaintiff Tracy Souza brings this action for discrimination and retaliation against the Marysville School District No. 25 and then-acting-superintendent Chris Pearson. Ms. Souza is an experienced public school administrator who had been employed with Marysville Public Schools for over 20 years.

1.2 In 2021, Plaintiff supported a colleague in his claims of discrimination and harassment. This was protected activity under Washington's Law Against Discrimination. In retaliation for this activity, Defendants subjected Ms. Souza to heightened scrutiny, then demoted her into a lesser paying and temporary position that was predictably eliminated when COVID pandemic-related funding dried up.

1.3 Defendant Pearson later explained that he had removed Ms. Souza, a white woman, from her Executive Leadership position and replaced her with an inexperienced male

1 person of color, in tokenistic attempt at confronting systemic racism. Both of these motivations
2 are illegal.

3 1.4 Defendants discriminatory and retaliatory adverse actions have caused Ms. Souza
4 substantial economic and emotion harm and damage.

5 **II. PARTIES**

6 2.1 Plaintiff Tracy Souza is an individual woman who resides in Snohomish County,
7 Washington. She is Caucasian. At all times relevant, she was an employee of Defendant
8 Marysville School District No. 25 within the meaning of employment laws and statute and the
9 Fourteenth Amendment to the United States Constitution.

10 2.2 Defendant Marysville School District No. 25 is a municipal corporation formed
11 under the laws of the State of Washington and located in Snohomish County, Washington in the
12 Western District of Washington. At all times relevant, Defendant Marysville School District was
13 an employer of Plaintiff Tracy Souza within the meaning of employment laws and statute and the
14 Fourteenth Amendment to the United States Constitution.

15 2.3 Defendant Chris Pearson is an individual man who resides in Washington. At
16 relevant times, Defendant Pearson was the acting Superintendent of Defendant Marysville Public
17 Schools and was an employer of Plaintiff Tracy Souza within the meaning of employment laws
18 and statute and the Fourteenth Amendment to the United States Constitution.

19 **III. JURISDICTION AND VENUE**

20 3.1 This Court has original subject matter jurisdiction under 28 U.S.C. § 1331 of
21 Plaintiff's Fourteenth Amendment claim brought under 42 U.S.C. § 1983. This Court has
22 supplemental jurisdiction over Plaintiff's Washington state law claims under 28 U.S.C. § 1367
23 because they arise out of the same nucleus of operative fact as her federal Constitutional claims.

24 3.2 Venue is appropriate in this District under 28 U.S.C. § 1391 because the
25 defendants reside in this District, and a substantial part of the events and omission giving rise to
26 Plaintiff's claims occurred in this District.

IV. FACTS

4.1 Marysville School District first hired Ms. Souza in September 2000 as a Family Support Provider with Marysville's Early Childhood Education and Assistance Program (ECEAP), the state early-instruction program for low-income children. Within a year, the District promoted Ms. Souza to manager of ECEAP. Ms. Souza led ECEAP until the fall of 2017.

4.2 Ms. Souza received multiple awards for her work, including a Golden Acorn award and an award from the Washington Association of School Administrators. When she eventually left her role with ECEAP, Ms. Souza's staff purchased a table for the playground engraved with her name on it, which remains there in honor of her leadership to this day.

4.3 In the fall of 2017, The District hired Ms. Souza into Assistant Director of Human Resources for the District. Within 3 months, the District promoted her to Director of Human Resources. Then in July 2018 it promoted her again to Executive Director of Human Resources – part of the District's executive leadership team.

4.4 In March 2021, then-Superintendent Jason Thompson submitted a formal complaint to Ms. Souza (as the Executive Director of HR) alleging discrimination and harassment by the school board. Superintendent Thompson alleged that the school board had "created a hostile, intimidating, and offensive work environment," noting that he was "nearly 60 years old and have been made to feel that I must submit to unreasonable demands or be pushed out the door towards retirement before I am ready." In particular, Mr. Thompson alleged that the Board's then-president, Vanessa Edwards, was working with the District's deputy superintendent, Lori Knudson, to push him out in substantial part because of his race and age.

4.5 The District hired an outside firm, the Seabold Group, to investigate Superintendent Thompson's claims. Ms. Souza participated in that investigation and spoke in support of Superintendent Thompson. In doing so, she was opposing what she reasonably believed to be discrimination against Superintendent Thompson and engaging in protected activity under the Washington Law Against Discrimination.

1 4.6 On May 21, 2021, Deputy Superintendent Lori Knudson received a copy of the
2 Seabold Group’s Investigation Report, showing Ms. Souza’s participation in the investigation and
3 her support for Superintendent Thompson.

4 4.7 Just two weeks later, on June 2, Ms. Knudson and the new acting superintendent
5 Dr. Chris Pearson sent an anonymous survey to lower-level administrators and principals in the
6 district seeking to obtain negative feedback regarding Ms. Souza.

7 4.8 On June 11, Dr. Pearson called Ms. Souza into a meeting and told her that the
8 results—which only he could see—showed she no longer had the support of those employees.
9 This was contrary to all previous interactions and feedback Ms. Souza had received in her role as
10 HR Executive Director.

11 4.9 Dr. Pearson told Ms. Souza that she could be put on a PIP and try to defend herself
12 against that feedback, but warned her that her “story had been written” and he did not see how
13 they could “unwrite it.” Instead, Dr. Pearson recommended that Ms. Souza instead accept a
14 demotion to a new position he had created called “Director of Student and Staff Well-Being
15 (Covid Services and Recovery).” Ms. Souza would lose the title of Executive Director and her
16 annual salary would be cut by more than \$20,000. Furthermore, as the position title demonstrates,
17 this new position would be tied to temporary funding made available during the COVID
18 pandemic.

19 4.10 Ms. Souza accepted the demotion under protest, making clear to Mr. Pearson that
20 she believed it had been forced upon her.

21 4.11 Despite her humiliation at the demotion, Ms. Souza’s dedication to Marysville and
22 its students led her to continue her exemplary performance. As interim superintendent Chris
23 Pearson acknowledged in her 2021–2022 performance review, “Tracy did an exceptional job this
24 year . . . Tracy always stayed positive and calm, acting to collaboratively problem-solve . . . [this]
25 along with her willingness to dedicate herself to getting this job done, regardless of time
26 commitment, made Tracy an invaluable resource to the district this year.”
27

1 4.12 Dr. Pearson replaced Ms. Souza with a male person of color -- Alejandro Vergara,
2 a former assistant principal with no previous experience in human resources. The District was
3 forced to spend additional money to hire a human resources consultant, a former HR Director at
4 Burlington-Edison School District, to train Mr. Vergara. Mr. Vergara also frequently called Ms.
5 Souza for help.

6 4.13 In April 2023, Mr. Vergara emailed Ms. Souza informing her that “your position is
7 currently fully funded by Learn to Return dollars,” which “were not renewed at the federal or
8 state level” and were “specifically tied to school-based relief due to the COVID-19 pandemic.”
9 Because of this, “please be aware that your Director 3 position will no longer be funded.”

10 4.14 With that perfunctory email, the District ended Ms. Souza’s more than twenty
11 years of exemplary service to the Marysville School District and broader community.

12 4.15 Meanwhile, Ms. Souza had unexpectedly learned the other reason—besides
13 standing up for Superintendent Thompson—that she had lost her job: her race.

14 4.16 In March 2023, Dr. Pearson participated in a public forum connected with his
15 selection for a new superintendent job in the Burlington-Edison School District. In that video-
16 recorded forum, Dr. Pearson was asked about his experience and competence confronting
17 “systemic inequities” and to provide an example of a time he had challenged a “system” that was
18 “inequitable.”

19 4.17 Instead of providing a responsive answer about an actual policy or practice that
20 created systemic inequities, Dr. Pearson focused on racial tokenism – highlighting that as soon as
21 he had the “opportunity” to “change over” the previous District Leadership team (including Ms.
22 Souza), which was “all white,” he replaced them with “four leaders of color,” which in his mind
23 would lead to different decision-making when confronting “racist issues,” because “you come out
24 with a different outcome than when it’s white people making those decisions.”

25 4.18 On March 30, 2023, Ms. Souza submitted a formal complaint to the District after
26 learning of Dr. Pearson’s comments. Over a year later, the investigation of that complaint remains
27 pending.

